

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. G-03-15 (01)
	§	
WRENKARD SINCLAIR	§	


ORDER

On May 23, 2006, the District Clerk received a letter from Wrenkard Sinclair, a named Defendant in the above-styled and numbered cause. In the letter Sinclair requests copies of pretrial transcripts, trial transcripts, and sentencing transcripts “to assist with my post-conviction relief.”

In Griffin v. Illinois, 351 U.S. 12, 19-20 (1956), the Supreme Court held that the Due Process and Equal Protection clauses of the Fourteenth Amendment require providing indigent Defendants with transcripts free of charge when it is necessary for meaningful review. However, the Government is not obligated to automatically supply complete transcripts. See Moore v. Wainwright, 633 F.2d 406, 408 (5th Cir. 1980) Sinclair has no motion for post-conviction relief pending at this time which could justify providing him with copies of the transcripts. Moreover, before Sinclair is entitled to the transcripts he must inform the Court of whatever errors may be uncovered through the production of the transcripts; the transcripts will not be provided at Government expense solely to permit Sinclair to conduct a “fishing expedition” to seek out possible errors. See Kunkle v. Dretke, 352 F.3d 980, 985-86 (5th Cir. 2003) Therefore, Sinclair should first file his motion setting forth the reasons he feels entitled to post-conviction relief. If his reasons justify providing him with all or portions of the transcripts this Court will reconsider his request, however, in the meantime, his request (Instrument no. 133) is **DENIED**.

Sinclair is hereby cautioned that any motion he may file under 28 U.S.C. § 2255 for post-conviction relief, must be filed within one (1) year of the date upon which his conviction became final. Approved forms for such a motion are available from appropriate prison authorities.

DONE at Galveston, Texas, this 1st day of June, 2006.



John R. Froeschner
United States Magistrate Judge